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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/655,582

09/05/2003

Keiji Kashima

DAIN:750

7331

7590

03/07/2005

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EXAMINER

QI, ZHI QIANG

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/655,582	Applicant(s) KASHIMA, KEIJI	
	Examiner Mike Qi	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-50 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-23, 38-43 and 44-50, drawn to a structure of a laminated retardation optical element, classified in class 349, subclass 117.
 - II. Claims 24-37, drawn to a process of producing a laminated retardation optical element, classified in class 349, subclass 187.
2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by another and materially different process. For example, the product can be made by a process wherein such as applying a nematic liquid crystal to an alignment layer or applying a chiral nematic or discotic liquid crystal to an alignment layer that does not to be performed.
3. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.
4. If Applicant elect Group I above, this application contains claims directed to the following patentably distinct species of the claimed invention:

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- 1) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer as a negative C plate; Figs 1-3;
 - 2) the laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer as a negative C plate and a $\lambda/2$ retardation layer; Fig.4A;
 - 3) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer as a negative C plate and an additional negative C plate-type retardation layer; Fig.4B;
 - 4) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer as a negative C plate and a polarization layer; Fig.5;
 - 5) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer as a positive C plate; Figs.7A, 7B;
 - 6) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer having a predetermined pattern; Figs. 8A,8B,8C.
5. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.
6. If Applicant elect Group II above, this application contains claims directed to the following patentably distinct species of the claimed invention:

- 1) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer as a negative C plate; Figs 1-3;
 - 2) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer as a negative C plate and a $\lambda/2$ retardation layer; Fig.4A;
 - 3) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer as a negative C plate and an additional negative C plate-type retardation layer; Fig.4B;
 - 4) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer as a negative C plate and a polarization layer; Fig.5;
 - 5) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer as a positive C plate; Figs.7A, 7B;
 - 6) laminated retardation optical element formed of an A plate-type retardation layer and a C-plate-type retardation layer having a predetermined pattern; Figs. 8A,8B,8C.
7. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.
8. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

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is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Qi whose telephone number is (571) 272-2299. The examiner can normally be reached on M-T 8:00 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Qi

Mike Qi
Patent Examiner